

STATE COMMUNITY CORRECTIONS BOARD MEETING

May 5, 2011

Kellogg Hotel & Conference Center 55 S. Harrison Rd., East Lansing, MI

1:00 p.m. to 3:30 p.m.

APPROVED

I. CALL TO ORDER – ROLL CALL

PRESENT: Alfred Butzbaugh, Paul Bailey, Jon Campbell, Gary Goss, Larry Inman, Brigitte Officer, Debra Walling, and George Zulakis

ABSENT: Louis Dean, Stuart Dunnings, Curtis T. McGhee II, Richard McKeon, and Dennis McMurray

II. APPROVAL OF AGENDA:

Motion made by Gary Goss, supported by Debra Walling, to approve the agenda as revised.

VOTE: Motion passed unanimously.

III. BOARD MEMBER'S RE-APPOINTMENTS

Larry Inman shared the updates on board members/appointments and reappointments and advised that Richard McKeon is the Acting Director at this time replacing Director Patricia Caruso and was unable to attend due to another commitment. Effective June 1st Sheriff Daniel Heynes from Jackson County has been appointed the Director of the Department of Corrections and will become a member of the State Board at that time. Mr. Inman also advised that he was reappointed by the Governor and also appointed to serve as Chairman of the Board and wanted to publicly thank Governor Snyder for his reappointment. Mr. Inman welcomed new board members Sheriff Paul Bailey from Berrien County replacing Sheriff Pickell from Genesee County, Allegan County Commissioner Jon Campbell who replaced Bernard Parker and Ms. Debra Walling representing City Governments from Dearborn.

Mr. Inman asked all board members to introduce themselves to our newest members and then Kenneth Brzozowski introduced his staff welcoming Kathy Giffels as the newest member of the Community Corrections.

IV. APPROVAL OF August 26, 2010 MINUTES:

Administrator Brzozowski indicated that there was one correction on page eight under the tether programs on the fifth line. It should read that the Deputy Director has advised that he does **not** support community corrections managers or their staff supervising offenders under electronic monitoring. (Inserting the word not.) Motion to approve the minutes as amended made by Gary Goss and supported by George Zulakis.

VOTE: Motion passed unanimously.

V. ADMINISTRATOR'S REPORT:

Administrator Brzozowski advised that there is positive news to share and the data that he will be referencing comes from the 2010 calendar. Mr. Brzozowski advised that this is the 3rd straight year that state-wide felonies have declined after 8 years of consecutive growth. Annual felony dispositions were down 8,000 (15%) in 2010 from the peak in 2007. This has been a significant drop, and when felony court dispositions drop then there is usually a corresponding drop in prison commitments and drop in program utilization. Probation violations both technical and new sentence intake declined by 5.8% in 2010 and the prison population has declined by 315 in calendar year 2011 which has been a continuous decline that has been seen over the past several years. The prison population is down by a total of 7,756 from the peak in 2007. The prison population through April was at 43,798, with an all time high several years ago of 52,000.

In regards to felony disposition through Fiscal Year 2010 which has been provided to the CCABs as well as posted on the web site.

- Felony dispositions have decreased by almost 2,000 this past fiscal year as compared to the previous fiscal year.
- Overall prison commitment rate increased from 18.8% to 20.5%
- The total disposition increased by a total of 523 and 62% of the 523 were Group 1 offenses and there were 183 from group 2 offenses which equals 38%.
- The straddle cell rate slightly increased from 32.2% to 32.8%, the previous year it was 35.5%. This decrease is attributed to what the CCABs are doing and the analysis work being done by the Community Corrections Section and their work with the managers in targeting specific populations to assist in reducing overall rates.
- This continues to represent a decline as there were 257 fewer dispositions the previous year for straddle cell with a total of 4,039 dispositions with 38% being Group 1 and 62% Group 2. Group 2 is the population that CCAB's likely target. Out of that 62% there were 55% that were under MDOC supervision as a parolee, probationer or prisoner. Some CCABs have higher rates based on judicial or prosecutor philosophy but are asked to continue to work with local stake holders to target some of those cases.
- OMNI data indicates that jail only dispositions decreased by 229. Administrator Brzozowski advised that the state rate for overall prison commitment rate is 20.5% and he wanted to recognize the following counties that had a rate equal or less then the state rate and 18 of those counties with a rate of 15% or less. Barry 14%, Eaton 13%, Huron 14%, Ingham 15%, Isabella 12%, Kalamazoo 15%, Lapeer 11%, Macomb 13%, Manistee 6%, Marquette 14%, Mecosta 13%, Menominee 14%, Ottawa 9%, St. Clair 15% and Van Buren 13% . Mr. Brzozowski also wanted to recognize the two largest counties Wayne at 20.2% and Oakland at 19.1%.
- In regards to straddle cell the overall rate is 32.8% and there are 26 counties that have rates equal to or less then the state average. Mr. Brzozowski recognized a couple, Eaton 14.45%, Ingham 18.7%, Ottawa 15.5% and Kalamazoo 20.3%, all very remarkable rates in regards to straddle cell.
- In regards to residential services the second quarter data indicates we are at 93% utilization for a bed allocation of 954. In 2007 the board supported the department to enter into direct contracts with the residential provider with the goal of reducing lapse funds and increasing efficiencies – there was a lapse of approximately \$1 M annually, which was 5.8% of the budget. Last year, only 3.6% of the budget was a lapse.

Administrator Brzozowski indicated that the intended purpose of this meeting is for the Midyear reviews that the Counties send to the Office of Community Alternatives with a status report. Staff then review the reports and advise if there are any significant issues to be brought before the board. At this time there are no CCABs that have been asked to present on the behalf of their programs that were identified as problematic. Administrator Brzozowski also advised that last year a contract was entered with Northpointe to change the data base system that a majority of the CCAB

managers were using. The new system is a web based system. There was hope that the report generator would be up and running and the reports could be created from the new system instead of extracting data and then forwarding the same. There are still some issues to be worked on with the hope to have the report generator in place sometime in the next few months which would be an efficient process and would streamline the work that the CCABs have to do.

VI. Pre-Trial Project

Administrator Brzozowski introduced Tim Bouwhuis CCAB manager from Kent County and Barb Hankey CCAB manager from Oakland County and advised they will be presenting information in regards to the pre-trial project that is going on in some areas around the state.

Manager Bouwhuis advised the Board Members that the project will consist of 11 counties (Berrien, Bay, Ingham, Isabella, Kalamazoo, Kent, Livingston, Macomb, Ottawa, Saginaw and Washtenaw) all will participate in collaboration effort to make sure a risk assessment will be created that will work for all the counties. The definition of a pre-trial risk assessment is that it serves as a tool for pre-trial service program to determine if a defendant has a risk of failing to appear or danger to community. It helps identify low risk defendants so they can be safely released in the community without bond conditions, it helps identify moderate and high risk defendants that can be minimized by using appropriate release conditions and also identifies high risk defendants that no conditions or combination of conditions can reasonably assure safety of community and flight risk. The benefits for counties to have risk assessments are: increased public safety, protection of the presumption of innocence, expedites the court process, no gray areas in bond recommendations, effectively manages jail space, effective utilization of jail community resources, identifies programs that someone should be placed in, reduces the potential of disparity in bail recommendations and decisions. When recommendations are made they will be clear to the judge. The project will start June 1, 2011 and will be three phases, the first phase is to review local pre-trial service agencies, the second phase is a regional training where there will be discussion on what the risk assessment is and this would be an opportunity for the board to attend a regional training and see what the risk assessment is and how it was created and how it will be formulated, phase three will be a one-on-one at a site visit to look at programs to see if the right information is being collected and the correct information being presented to stake holders.

Manager Hankey indicated that Wayne County is also involved though not with this grant – they have sought a technical assistance grant from the pre-trial justice institute and will be developing their own risk assessment. She stated that moving to a risk assessment is keeping with evidence based practices. There are 7 to 9 different factors that are predictive for pre-trial misconduct, each of the factors will be used by all counties and the most predictive is a history of failure to appear. Each County will have the ability to decide what their acceptable level of risk is for their community. In the Oakland experience the Judges have been an integral part since the beginning of the process, the judges are creating a tool for staff to use in making recommendations that the judges will feel are appropriate. After a risk score was determined, a decision was needed to see how they would fit in the connection of an instant charge - two grids were created, a misdemeanor and a felony grid based on the risk level there is a bond type. There are four different levels of supervision and offenders are not supervised at the same level. This system has been in use for six months and there are some discrepancies and over rides occurring, several categories continue to surface based on certain types of charges such as domestic violence, delivering/manufacture, OUIL 3rd, and new cases under supper drunk law. The County is collecting data and will complete a validation study.

Larry Inman asked if this is a typical process that someone would go through if they were coming into a county jail and were being assessed for risk level to know placement in the county jail (work release, minimum, maximum). Ms. Hankey responded that no, they are assessing three different things that are very specific in a pre-trial risk assessment. They are only assessing for pre-trial misconducts and fail to appear, not really assessing for rehabilitative purposes. Pre-trial is a very

short time which is different when you get into jail classification and/or offender supervision and rehabilitation, although, some factors are similar.

Mr. Inman asked that at the end of the review period and all the problems have been worked out in terms of results would this be available for other counties. Ms. Hankey advised that it is not proprietary it is very open, as research keeps building from Virginia to Ohio to the Federal study.

Mr. Zulakis asked if the point value was based on national research from Virginia and Ohio (as far as allocation of point value) and when talking about risk scores being customized by counties, will they be predicated by research or will each county decide what they like or don't like. Ms. Hankey responded that Luminosity will come in when regional training is being completed and then the counties will determine what is acceptable and what is not. Ms. Hankey indicated that the judges in Oakland County followed the recommendations of what the data indicated.

Judge Officer asked if they were doing this for everyone that comes into the jail or after arraignment at the request of the judge or preliminary examination at request of counsel. Ms. Hankey responded that they were doing it for all, she advised that in Oakland County 9 of 14 courts are using this assessment and there are investigators in each of the 9 courts. The assessment is being done at the police station prior to an individual coming to jail. Judge Officer asked if at the District Court level would there be someone assigned to assess at that point and time. Ms. Hankey advised they have someone at every District Court and they go to the police station every morning and interview everyone in custody, do a full bond report and then show up in court in the afternoon and make recommendations for everyone.

Mr. Goss stated that their bench warrants declined significantly once pretrial was adopted.

Mr. Inman asked how long this program has been implemented and if there has been a reduction in the jail. Ms. Hankey responded that arrests have really gone down but it is hard to make a correlation if it is because there are fewer officers on the street or it is because pretrial is doing a great job.

Judge Butzbaugh stated that Berrien County is one of 11 counties and appreciates all of the work that has been done and that the county will receive all of the benefits.

VII. MDOC Trends in Key Indicators

Steve DeBor the Administrator of the Office of Research and Planning presented information to the Board regarding MDOC trends. Mr. DeBor advised that there was an explosion and growth of short term cases in 1991 as the parole board became more conservative. In 2002 with the concept of Michigan Prison Reentry, Michigan became the first state in the Country to tackle a program of this size. Some of the first issues were to start to parole prisoners during the mid-week and also adding more diversion beds in the jails. There have been 18 reentry sites created and numbers have been dropping since that period of time. The Department has been moving toward recommendations made by the Counsel of State Governments as far as length of stay, certainly of punishments, Parole Board looking at cases that were past their ERD (earliest release date) – at the end of 2002 there were 17,000 prisoners past their ERD and currently there are approximately 8,000 remaining. The parole approval rate for sex offenders has moved from a 10-15% approval rate to an over 50% approval rate during a one year period. The prison population projection for next year is flat with a slight decline. Statewide court dispositions have decreased for the 4th year in a row. (Crimes and arrests are down, along with the aging of the baby boomers.) The probation violator commitments to prison per 1,000 felony probations are 76 out of every thousand felony probationers are returning to prison. At this time the rate is 42 out of every 1,000. Michigan has a longer length of stay compared to other states, the nationwide average length of stay was 30 months in prison and Michigan's is closer to 50+ months. The parole board has ordered shorter terms of parole for the lower risk cases and paroling more max out cases into programs. The amount of prisoners that were being

discharged on max has decreased with 60% now being paroled to the max. Parole violators with a new sentence admission through early years of reentry increased. Violators were coming back on a technicality which was not good evidence based practice. There were not enough intermediate sanctions and the only choice was to bring violators back to prison for more money and more time. These numbers are coming down despite the fact that there is a high parole population. Last year the Department reached the lowest rate per 1000 for parole revocations at 190 coming back for either a parole technical violation or a new sentence return. Out of the 190 106 were parole violator technical and 84 were parole violator new sentence. Since the year 2006 the prisoner population has declined by approximately 8,000 inmates.

Mr. Campbell asked if those that discharged on maximum sentence declined because of the recommendations by the Counsel of State Governments. Mr. DeBor advised that to some degree the board was doing some of the things that the Counsel of State Governments recommended. As well the board was looking at those inmates that were medically fragile, and started asking victims during the interview stages what their opinion was. The victims indicated they would rather have someone discharged with some type of supervision instead of being released on their maximum sentence with no supervision.

Mr. Inman advised he had read that even though Michigan's prison population is declining and there have been prisons closed and we are doing a good job on the multiple components such as Community Corrections, Michigan Prison Reentry, parole and those types of issues that our state population compared to other states is still on the high side. Mr. Debor responded that we are still around the 6th or 7th largest prison population in the nation and our length of stay is much longer. He also shared the information that other states sentencing guidelines indicate a person is either in prison or out but in Michigan we have straddle cells that range across the length of minimum sentence. The commission indicated that with the straddle cell populations they would expect that 22% of the time straddle cell sentences would get prison. When the guide lines first took affect instead of the 22% that was expected to be sentenced to prison it was closer to 40% going to prison for straddle cell. The rate is now in the 30's which is still higher then originally expected.

VIII. MDOC Budget

Administrator Wickman presented information to the Board concerning the Department of Corrections budget for this fiscal year and next fiscal year. Mr. Wickman advised that the current fiscal year the Department was faced with \$90 million in reduction which included \$42 million in reduction of unallocated funds. Part of \$42 million savings will be generated by the closure of a prison. The Department will close the Crane Correctional Facility in Coldwater in two weeks which will provide some savings this year with the full amount saved next year. The Department has restricted spending in all areas of the Department but has attempted to not cut Community Corrections or other diversion type programs. The FY 2012 would be a continuation budget; the Governor's Executive recommendation is a recommendation of current year funding. The Department has been very successful in educating new legislatures on the importance of the work being done in the community. We are still early in the budget process with a goal to have a Bill by June 1, 2011.

IX. PUBLIC COMMENT:

Mary Sabaj shared comments and information on the behalf of MCCAB. She reported concerns in regards to the applications for FY 2012 though appreciated the ability to meet with Community Corrections to provide input on the new applications. She expressed concerns about the deadline being close and the documents being in the 2010 version of Microsoft Word that most of the counties did not have and asked for consideration of a deadline extension. She stated on the positive side the new documents are very user friendly. Ms. Sabay also expressed concern of the recent directive of the elimination of budget adjustments until further notice. One impact regarding the new allocation (9.5% increase), some counties were working on the best way to put the funding

to use when the decision was made to eliminated adjustments. MCCAB and all of the counties are willing to work together on issues and would like to continue to communicate with the office and would like to improve communications on some issues before it gets to a crisis mode.

X. OLD BUSINESS:

Christine Curtis shared info regarding the 34th Circuit and advised that they ultimately decided to disband as the 34th Circuit and then Ogemaw and Arenac reformulated their own CCAB. They are now the Arenac/Ogemaw Community Corrections Advisory Board and they were funded with a portion of the money that was reserved for the 34th Circuit. They became active with a contract effective January 1, 2011.

XI. NEW BUSINESS

Ms. Curtis informed the Board that Lenawee County is trying to redefine how they will proceed with Community Corrections locally. Lenawee County has struggled since joining Community Corrections approximately 8 years ago with being unable to retain a manager and to define how they want to apply funding. At this time Lenawee County has indicated that when they apply for FY2012 funding they will only apply for Residential Funds. The money used for residential beds in Lenawee County is some of the best money spent. Lenawee County is a county with a very high prison commitment rate and despite some reluctance on the part of stakeholders their prison commitment rate has dropped. So with that in mind the Office of Community Alternatives is willing to accept an application from them for residential beds to be used for felons while they determine if they will reapply for plans and services funds.

Ms. Curtis provided handouts with the CCIS codes and a program form as well as a copy of the FY 2012 application; she indicated that the previous applications were difficult to address issues that were unique to each program. The information that was gathered at the October work shop helped develop a series of program forms that focus more on the program intent. It was determined that having different forms that address the different types of program expectations would be the best way to keep program description forms short and to identify some specific items that would be expected in a treatment related program form.

Ms. Walling asked if there has been consideration given to extend the deadline for the applications to accommodate those that need additional time to complete the applications. Ms. Curtis responded that if a county finds that they need some additional time, consideration will be given for an extension if they request one. Mr. Brzozowski advised that we will try to accommodate in every way that we can. He also indicated that he was very pleased and finds this document very user friendly. Mr. Inman stated that the outcome for the new application would be easier to read when trying to do analysis.

Mr. Brzozowski added that a legislative report regarding the Demonstration Project – Evidence Based Practices was distributed to the Board and advised that the pilots were operational in Calhoun, Genesee, Ingham and Wayne Counties and through the end of March there has been a total of 7 eligible offenders admitted into the program with 4 active, 1 successful discharge and 2 absconders.

XII. ADJOURN:

Move to Adjourn by Mr. Campbell with a second by Ms. Walling.

VOTE: Motion passed unanimously

Meeting adjourned at 3:30 PM